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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,) No. 08-3304M
9 Plaintiff,)
10 Vs.) ORDER
11 Refugio Vega-Cruz,)
12 a/k/a Aurelio Vega-Cruz,)
13 a/k/a Refingio Vega-Cruz,)
14 Defendant.)

15 Having considered Defendant's Motion to Extend Time and good cause having
16 been shown:

17 THE COURT makes the following findings:

- 18 1. Counsel for Defendant has only recently been appointed;
19 2. The Defendant earnestly wishes to consider the plea offer extended by the
20 Government;
21 3. The Defendant wishes to investigate possible defenses prior to considering
22 the Government's plea offer;
23 4. The Government's plea offer, if accepted by the Defendant and then the
24 Court, would likely reduce Defendant's exposure to a significant term of imprisonment;
25 5. If the Defendant does not timely accept the plea offer prior to indictment,
26 the government will withdraw said plea offer and any subsequent plea offer after
27 indictment would likely be less advantageous to the Defendant;
28 6. Failure to extend time for indictment in this instance would thus operate to

1 bar defendant from reviewing the Government's plea offer in a meaningful way prior to
2 indictment; and

3 7. The ends of justice served by this continuance outweigh the best interest of
4 the public and the Defendant in a speedy indictment.

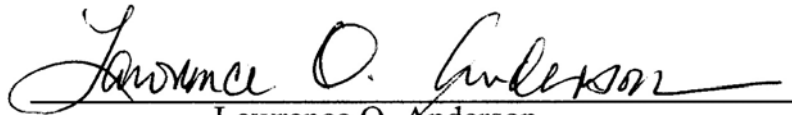
5 The Court therefore concludes that the ends of justice are best served by granting
6 an extension of time to present the case to the grand jury and in excluding a period of
7 thirty (30) days under the Speedy Trial Act. In making this determination, the Court has
8 particularly taken into account that the failure to grant the Defendant's request "would
9 deny counsel for the defendant . . . the reasonable time necessary for effective
10 preparation, taking into account the exercise of due diligence." 18 U.S.C. §
11 3161(h)(8)(B)(iv).

12 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for
13 Indictment requesting an extension of thirty (30) days within the government may seek to
14 indict defendant, is hereby granted.

15 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. §
16 3161, the Government shall have an extension of thirty (30) days to file a timely
17 Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of
18 thirty (30) days in which the Government may present the case to the grand jury.

19 **IT IS FURTHER ORDERED** that defense counsel shall use proper capitalization
20 in all future captions as mandated by LRCrim 12.1 and LRCiv 7.1(a)(3).

21 DATED this 28th day of July, 2008.

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24 Lawrence O. Anderson
25 United States Magistrate Judge
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